

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KENNETH ERICKSON,

Plaintiff,

v.

DON POAG et al.,

Defendants.

3:14-cv-144-RCJ-WGC

ORDER

I. DISCUSSION

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections, has submitted a financial certificate, a motion to appoint counsel, and a miscellaneous document which may be serving as Plaintiff's complaint. (ECF No. 1-1, 1-2, 1-3).

Plaintiff's application to proceed *in forma pauperis* is incomplete. Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff has not submitted an *in forma pauperis* application or an inmate account statement but has submitted a financial certificate. (See ECF No. 1-1). As such, the *in forma pauperis* application is denied without prejudice. The Court will retain Plaintiff's motion to appoint counsel and miscellaneous document (ECF No. 1-2, 1-3), but will not file them until the matter of the payment of the filing fee is resolved. Plaintiff will be granted an opportunity to cure the deficiencies of his application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file a new application to proceed *in forma pauperis* he must file a fully complete application to proceed *in forma pauperis*.

1 **II. CONCLUSION**

2 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed *in*
3 *forma pauperis* (ECF No. 1-1) is DENIED without prejudice to file a new application.

4 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the
5 approved form application to proceed *in forma pauperis* by a prisoner, as well as the document
6 entitled information and instructions for filing an *in forma pauperis* application.

7 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
8 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the
9 correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or
10 (2) pay the full filing fee of \$400.

11 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
12 dismissal of this action may result.

13 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the miscellaneous
14 document (ECF No. 1-3), but shall not file it at this time.

15 IT IS FURTHER ORDERED that the a decision on the motion to appoint counsel (ECF
16 No. 1-2) is deferred at this time.

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19 DATED: This 24th day of March, 2014.

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United States Magistrate Judge
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